IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3717 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MANIBEN HARILALBHAI PATEL WD/OHARILAL PITAMBERBHAI PATEL
Versus
GANGARAM RAMJIBHAI PATEL

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Appearance :
MR HRIDAY BUCH for the Petitioner
MR MB GANDHI with MR ANAND R PATEL for the Respondent

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 30/04/2007

ORAL JUDGMENT

1. **RULE**. Learned advocate Mr.M.B.Gandhi appearing with learned advocate Mr.Anand R.Patel waives service of Rule on behalf of the respondent.

2. Present petition is filed being aggrieved by order dated 20.01.2007 passed by the learned Additional District Judge, Fast Track Court No.2, Surendranagar below application Exh.10 in Regular Civil Suit No.120 of 2005.

Application Exh.10 was filed seeking substitution of the heirs in place of the deceased appellant. The said application is rejected by the order under challenge.

3. After hearing learned advocates, it is deemed fit that order dated 20.01.2007 be quashed and set aside and present petition be allowed, of course on condition that the petitioner shall pay a cost of Rs.5,000/- (Rupees Five Thousand Only) to the respondent herein.

In view of above, the petition is allowed. Order dated 20.01.2007 is hereby quashed and set aside. Application Exh.10 is allowed. The petitioner is directed to pay a cost of Rs.5,000/- (Rupees Five Thousand Only) to the respondent herein.

The learned Judge is directed to give priority to the matters being Regular Civil Suit Nos.119 and 120 of 2005 and shall decide the same as expeditiously as possible, preferably within 3 months from the date of receipt of copy of this order.

4. Rule is made absolute. Ad Interim relief granted earlier to continue till final disposal of the appeals.

(RAVI R.TRIPATHI, J.)

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